

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROBERT COX,

Plaintiffs,

v.

No. CV 09-0576 JB/GBW

MICHAEL HEREDIA, et al.

Defendants.


ORDER

This matter is before the Court on plaintiff's prisoner motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915. The filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Based on the information about plaintiff's financial status, the court finds that plaintiff is unable to pay an initial partial payment pursuant to § 1915(b)(1). However, as described more fully below, the plaintiff will be required to make monthly payments toward the required filing fee. If plaintiff fails to comply with this order, the civil rights complaint may be dismissed without prejudice without further notice.

IT IS THEREFORE ORDERED that plaintiff's motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 is GRANTED, and an initial partial payment is WAIVED;

IT IS FURTHER ORDERED that plaintiff shall file monthly financial certificates and make

monthly payments of twenty per cent (20%) of the preceding month's income credited to plaintiff's account or show cause why the payment should be excused; and the Clerk is directed to provide plaintiff with two copies of the post-filing financial certificate.



UNITED STATES MAGISTRATE JUDGE